IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 1253 of 2007()

AGAINST THE ORDER IN CC.372/2002 IN
LP.35/2005 of J.M.F.C.-I, PUNALUR
CRIME NO.46/02 OF EROOR POLICE STATION

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: PETITIONER/1ST ACCUSED:

JAYAPRAKASH, S/O.SURENDRAN,
KUNNINPURATHU VEEDU, ELAVOOR,
ALAYAMON VILLAGE, ANCHAL,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, EROOR POLICE
STATION, KOLLAM DISTRICT THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1253 OF 2007

Dated this the 2nd day of March, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the 1st accused in Crime No.46/202 of Eroor Police Station for offences punishable under Secs.341, and 324 read with section 34 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.372/2002 on the file of JFCM-I, Punalur, the case against him was split up and transferred to the Long Pending Register where it has been numbered as L.P.No.35/2005. Admittedly non-bailable warrants of arrest are pending against the petitioner.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the contention of the petitioner that the matter has been settled. It is needless to mention that the case being an old case will be given top priority by the Magistrate in the matter of disposal.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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